

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN-LANSING

THE TOLEDO HOSPITAL,

Plaintiff,

-vs-

Case No:

HON:

MAGISTRATE:

AUTO-OWNERS INSURANCE COMPANY  
and HOME-OWNERS INSURANCE  
COMPANY,

Ingham County Circuit Court  
Case No: 18-267-NF  
Hon. Rosemarie Aquilina

Defendants.

Richard E. Hillary, II (P56092)  
MILLER JOHNSON  
Attorneys for Plaintiff  
45 Ottawa Ave SW, Suite 1100  
Grand Rapids, MI 49503  
(616) 831-1700  
[hillaryr@millerjohnson.com](mailto:hillaryr@millerjohnson.com)

DREW W. BROADDUS (P64658)  
JAVON R. DAVID (P78214)  
Secrest Wardle  
*Attorney for Defendants*  
2600 Troy Center Drive, PO Box 5025  
Troy, MI 48007-5025  
(248) 851-9500 / FAX: (248) 538-1223  
[dbroaddus@secrestwardle.com](mailto:dbroaddus@secrestwardle.com)  
[jdavid@secrestwardle.com](mailto:jdavid@secrestwardle.com)

**DEFENDANTS AUTO OWNERS INSURANCE COMPANY and**  
**HOME OWNERS INSURANCE COMPANY**  
**PETITION FOR REMOVAL**

SECRET WARDLE

NOW COMES Defendants, AUTO OWNERS INSURANCE COMPANY AND HOME OWNERS INSURANCE COMPANY, by and through its attorneys, SECREST WARDLE, and with full reservation of any and all defenses, respectfully moves this Court, pursuant to 28 USC § 1332, 1441 and 1446, to remove this civil action from the Circuit Court for the County of Ingham, City of Mason, State of Michigan, to the United States District Court for the Western District of Michigan. In support of this Petition, Defendant states:

1. Plaintiff, The Toledo Hospital, filed this cause of action in the Circuit Court for the County of Ingham on or about April 23, 2018, Case Number 18-267-NF. Defendant was served on May 2, 2018. (*Exhibit A*).

2. This case is being removed within thirty (30) days after receipt by Defendant of a copy of the initial pleadings setting forth the claim for relief. Therefore, time for filing this Notice of Removal has not expired and is timely pursuant to Title 28, United States Code, § 1446.

3. There are no other pleadings, other than the Complaint attached hereto, (*Exhibit A*), and no other proceedings have been had in the state court action.

4. This Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332 and is one which was removed to federal court pursuant to the provisions of Title 28, United States Code, Section 1441, in that it is a civil action wherein the matter in controversy exceeds or may exceed the sum of Seventy-Five Thousand and 00/00 (\$75,000.00) Dollars, exclusive of costs, attorney fees, and statutory interest, according to the allegations of the injuries and damages in the Complaint and Plaintiff's medical records, and is between citizens of different states.

SECREST WARDLE

5. Upon information and belief, Plaintiff Toledo Hospital is a facility which is incorporated and domiciled in the State of Ohio, with its principal place of business in the State of Ohio.

*(Exhibit A)*

6. Defendant Auto Owners Insurance Company is a corporation which is incorporated and domiciled in the State of Michigan, with its principal place of business in Michigan.

7. Defendant Auto Owners Insurance Company is a corporation which is incorporated and domiciled in the State of Michigan, with its principal place of business in Michigan.

8. The accident underlying Plaintiff's Complaint occurred in the Township of Dover, County of Lenawee, in the State of Michigan.

9. For the foregoing reasons, *The Toledo Hospital v. Home-Owners Insurance Company and Auto Owners Insurance Company*, is a civil action over which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332 and is one which may be removed to federal court pursuant to the provisions of Title 28, United States Code, Section 1441, and *Moody v Home Owners Insurance Company*, 304 Mich App 415 (2014).

10. Upon filing this Petition of Removal, written Notice of the filing by Defendant has been provided to Plaintiff as required pursuant to 28 USC § 1446. A copy of this Notice is also being filed with the Circuit Court for the County of Ingham, where the case was originally filed.

*(Exhibit B).*

11. Defendants request a trial by jury.

WHEREFORE, Defendant respectfully requests that it effect removal of the within action from the Circuit Court for the County of Ingham, State of Michigan, to the United States District Court for the Western District of Michigan- Lansing.

SECRET WARDLE

SECRET WARDLE

BY: /s/DREW W. BROADDUS

DREW W. BROADDUS (P64658)

JAVON R. DAVID (P78214)

Secret Wardle

*Attorney for Defendants*

2600 Troy Center Drive, PO Box 5025

Troy, MI 48007-5025

(248) 851-9500 / FAX: (248) 538-1223

[dbroaddus@secrestwardle.com](mailto:dbroaddus@secrestwardle.com)

[j david@secrestwardle.com](mailto:j david@secrestwardle.com)

Dated: May 30, 2018

4732211\_1

SECRET WARDLE